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CLARIFICATION REGARDING THE RIGHTS OF RESIDENTS AND PLACEMENT OF SMALL PERSONAL REFRIGERATORS IN ROOMS

April 23, 2002

I. ISSUE

This Program Clarification addresses the placement of small personal refrigerators in residents' rooms for the storage of food and beverages brought in by family or friends.

II. REGULATORY REQUIREMENTS

There are no state or federal regulations which specifically address this issue. The following regulatory requirements are most applicable to the issue:

- A. Section 20201(3)(c) of the Public Health Code** states "A nursing home resident is entitled to retain and use personal clothing and possessions as space permits, unless to do so would infringe on the rights of other residents, or unless medically contraindicated as documented by the attending physician in the medical record."
- B. Nursing Home Rule 711** contains a long list of items to be provided in each resident room, but does not include refrigerators or other appliances.
- C. 42CFR483.10(I)** states "The resident has the right to retain and use personal possessions, including some furnishings, and appropriate clothing, as space permits, unless to do so would infringe upon the rights or health and safety of other residents."

III. CLARIFICATION

The above rights are intended to allow residents to have personal clothing and possessions, including personal furnishings such as pictures and other wall decorations, a favorite chair, or other items to create a friendly and comfortable "homelike environment" consistent with consideration for space, safety and fire code requirements. The Bureau of Health Systems' policy is that these rights do not apply to small personal refrigerators. To extend this right to all residents would impose an obligation for facilities regarding cost of operation, maintenance, and dietary monitoring beyond that specified in state and federal regulations.

Facilities may by policy choose to prohibit refrigerators in the entire facility, allow refrigerators in specific units or rooms, or allow them on a case-by-case basis for each resident.

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Facilities that choose to allow refrigerators should consider the following issues in their policies:

- A.** Facility and resident/family responsibilities for use and maintenance of food and beverages in the refrigerators, including operating safe temperatures for storage of food, dating and disposal of outdated items, and periodic cleaning of the interior. This should include specific criteria under which the facility may require that a refrigerator be removed.
- B.** The ability of the facility electrical system to support refrigerators under normal conditions and maintenance of power to refrigerators during electrical outages when the facility emergency generator is operating.
- C.** The availability of space for a refrigerator in a given room, in light of required furnishings and care equipment for the resident(s) occupying the room.
- D.** Methods for managing residents with dietary restrictions that may be compromised by food brought in and stored in the refrigerators. This should include how the facility will track food and beverage intake for residents with nutritional concerns.
- E.** Methods for restricting access to items stored in a resident's refrigerator by a resident's roommate or other residents, with particular concern for those with restricted diets or dementia. This should include the issue of facility response to complaints of items stolen from refrigerators and who will be responsible if residents become ill from consuming spoiled items from another resident's refrigerator.